

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AD MAGIC, INC.,

Plaintiff,

v.

ADVERTISING MAGIC, INC. and
HARILAO FRANCISCO BOUKIS,

Defendants.

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Civil Action No. 06-5775 (SRC)

JUDGMENT

This action came before the Court for a trial by jury. The issues were tried and the jury rendered its verdict. In accordance with the jury verdict,

IT IS on this 22nd day of January, 2010,

ORDERED that judgment be and hereby is entered in favor of Plaintiff Ad Magic, Inc. on its claims for a declaratory judgment asserted in the First through Third Claims for Relief in the Amended Complaint; and it is further

ORDERED that, consistent with such judgment, the Court hereby makes the following declarations:

(1) Plaintiff Ad Magic, Inc.'s past and continued use of the service mark AD MAGIC, its corporate name, its service mark slogan 888 4 AD MAGIC and its admagic.com and related websites do not infringe any of Defendants' rights under 15 U.S.C. § 1114(1)(a);

(2) Plaintiff Ad Magic, Inc.'s past and continued use of the service mark AD MAGIC, its

corporate name, its service mark slogan 888 4 AD MAGIC and its admagic.com and related websites do not constitute unfair competition and/or a false designation of origin under 15 U.S.C. § 1125(a); and

(3) Plaintiff Ad Magic, Inc.'s past and continued use of the service mark AD MAGIC, its corporate name, its service mark slogan 888 4 AD MAGIC and its admagic.com and related websites do not violate state common law; and it is further

ORDERED that judgment be and hereby is entered in favor of Plaintiff Ad Magic, Inc. and against Defendants Advertising Magic, Inc. and Harilaos Francisco Boukis on Counterclaims Counts One through Four, which asserted trademark infringement under 15 U.S.C. § 1114, false designation of origin under 15 U.S.C. § 1125(a), common law unfair competition, and a Uniform Deceptive Trade Practices Act claim under N.J.S.A. 56:3-13a et seq.; and it is further

ORDERED that, it appearing that Plaintiff Ad Magic, Inc. did not try before this Court the claim asserted in the Amended Complaint's Fourth Claim for Relief, specifically, for a declaration that Defendants are barred by the equitable doctrine of laches, estoppel and/or acquiescence from challenging Plaintiff's past and continued use of the service mark AD MAGIC, its corporate name, its service mark slogan 888 4 AD MAGIC and its admagic.com and related websites, and therefore abandoned the claim, such claim be and hereby is **DISMISSED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge